

Council of La Raza; National Gay and Lesbian Task Force Action Fund; National Korean American Service & Education Consortium; NETWORK, A National Catholic Social Justice Lobby.

OCA; Pax Christi USA; Rights Working Group; Sahara of South Florida, Inc.; Sentencing Project; Sojourners; Sikh American Legal Defense and Education Fund; Sikh Coalition; Sneha, Inc.; South Asian Americans Leading Together; StoptheDrugWar.org; Union for Reform Judaism; United Methodist Church, General Board of Church and Society; UNITED SIKHS; US Human Rights Network.

Mr. CARDIN. The bill I introduced last week, the End Racial Profiling Act, would build on the Department of Justice's current "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies" issued in 2003. This official Department of Justice guidance certainly was a step forward, but it does not have adequate provisions for data collection and enforcement for State and local agencies. The Department of Justice guidance also does not have the force of law.

The legislation I introduced would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. This bill clearly defines racial profiling to include race, ethnicity, national origin, or religion as protected classes. It requires training of law enforcement officers to ensure they understand the law and its prohibitions. It creates procedures for receiving, investigating, and resolving complaints about racial profiling. It would apply equally to Federal, State, and local law enforcement, which creates consistent standards at all levels of government.

The vast majority of our law enforcement officers who put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can still take steps to prohibit racial profiling and root out its use. I look forward to working with my colleagues to enact this very important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

### THE ECONOMY

Mr. HELLER. Mr. President, I rise today to address the economy as it affects my home State of Nevada.

This recession has hit my home State of Nevada harder than it has hit any other State in the country. My State has the unfortunate distinction of leading the Nation in unemployment, foreclosure, and bankruptcy.

As we discuss yet another stimulus this week, I hear from my friends on the other side of the aisle their claim that their priorities are jobs, jobs, jobs. I have one question about their economic policies: Is this working?

In January 2009 President Obama was inaugurated as President of the United States. Democrats controlled both Houses—both the House and the Sen-

ate—and Nevada's unemployment rate at that time was 9.4 percent. The next month the stimulus was passed. Supporters claimed the national unemployment level would not rise above 8 percent if we passed the stimulus bill. Nevada's unemployment at that time then grew from 9.4 percent to 10.1 percent.

In June of 2009 Congress passed the Cash for Clunkers legislation and Nevada's unemployment then grew at that point from 10.1 percent to 12 percent. With the success of Cash for Clunkers, we passed Cash for Clunkers II the following August, and Nevada's unemployment rose from 12 percent to 13.2 percent.

Then in March of 2010, Congress passed the President's health care law. Nevada's unemployment rose again, from 13.2 percent to 13.4 percent.

In July of that year, Congress then passed the Dodd-Frank reform of the financial services industry legislation that effectively limited access to capital, both for individuals and small businesses, and Nevada's unemployment rate went from 13.4 percent to 14.3 percent. In fact, if we go back to May of 2010, Nevada overtook Michigan as the State with the highest unemployment rate at 14 percent. With the passage of Dodd-Frank, it then rose again to 14.3 percent.

Then we passed the State bailout in August of 2010, and then stimulus No. 2, and Nevada's unemployment rate rose again to 14.4 percent. So with the unemployment rate at 14.4 percent and due to the lack of economic activity, some people in Nevada have stopped looking for work or, worse, some Nevadans have actually left the State for employment elsewhere. This has resulted in Nevada's unemployment dipping from 14.4 percent to 13.4 percent.

I guess I raise the question for the second time: Have these economic policies worked?

There is a local paper that had a readers' poll and the question of this readers' poll was: Is Nevada's economy recovering? Of those who responded, 82 percent said no. So regardless of what Washington, DC, is trying to tell them, 82 percent of Nevadans understand that the economic recovery has not yet occurred in the State of Nevada.

One of my constituents recently wrote:

I am writing you today because I am outraged over the stimulus proposal that President Obama is trying to intimidate you into passing. Despite the evidence that the first two stimulus plans have failed, despite the promises that there were shovel ready jobs, despite the other false promises that the first trillion would upgrade our infrastructure and keep unemployment under 8 percent, despite the overwhelming evidence that nearly a TRILLION dollars of taxpayers' dollars were completely wasted in the first stimulus, this President had the audacity to demand that you immediately pass another half a trillion dollars' worth of stimulus. Don't do it!

So it is that the approach of this administration and its supporters have

taken for economic recovery has failed miserably. Another stimulus bill is not the solution.

We now have a string of economic policies that are big on talking points, light on solutions. People from all over the country are struggling just to get by and are desperate for real solutions. It is time for new ideas and a new direction, not more of the same. Out-of-control spending, a health care law that no one can afford, and a seemingly endless stream of regulations are crippling employers, stifling economic growth, and killing jobs. The American public and businesses alike are awaiting a plan that can provide the stability and certainty necessary to provide confidence to the American people and bolster economic growth.

I hear some of my friends on the other side of the aisle claim there are no ideas for job creation coming from Republicans. Since coming to the Senate, I have repeatedly filed job-related amendments when given the opportunity but have yet to see an open debate on any of these amendments. So if it is true there are no ideas coming from Republicans, then there is nothing to fear from an honest, real debate on jobs. Instead of symbolic votes and political grandstanding, let's actually do the difficult work and address this problem.

As I suggested to President Obama, Nevada needs a proposal that reforms the Tax Code, stops excessive government spending, and provides the certainty businesses need to hire. Instead, the administration and the Senate majority have recycled the same failed policies, but this time they increase taxes on the same businesses we need to create jobs.

There are a number of actions Congress can take immediately to bolster our Nation's economy such as opening our country to energy exploration, streamlining the permitting process for responsible development of our domestic resources, and reforming our Tax Code, making it simpler for individuals and businesses alike, and cutting out the special-interest loopholes while reducing the overall tax burden for all Americans. Instead of looking for new ways to tax the American public and our job creators, we should make our Tax Code more competitive and provide businesses the stability they need to grow and create jobs.

As I have stated before, this continual threat of tax increases feeds the uncertainty that serves as an impediment to economic growth. These are all things that both this administration and Congress can do immediately to boost economic recovery.

I came to Washington to make a difference. Let's start doing the hard work we were sent here to do.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOB CREATION

Mr. MORAN. Mr. President, I am here on the floor today to share a few thoughts on a topic that has a daily impact upon the lives of Americans. It is the topic we have had front and center now for a long time—job creation. Whether a mom or dad can find a job directly impacts their ability to put food on their family's table, pay their mortgage, save for their children's education, and prepare for their own retirement.

In August our economy failed to create any jobs. In September our economy created about 100,000 jobs, but that is not fast enough to get us out of our economic slump. The fact is that 14 million Americans are still out of work, and about 42 percent of those unemployed have been looking for a job for more than 6 months. We know those facts.

Over the last few weeks, I have asked Kansans what their thoughts are about this circumstance, and we find many Kansans, as are others in America, discouraged, looking for work, unable to find a job. They want to know why our businesses are not creating those jobs and making them available for them.

I recently had the opportunity to sit down with Kansans who own businesses in Overland Park—a suburb of Kansas City—and in Hutchinson—a community just outside Wichita—to talk about the economy and their outlook for our economic future.

Throughout our conversations, it became clear the main reason businesses are not hiring is because of economic uncertainty. In fact, a survey conducted by the U.S. Chamber of Commerce indicated more than half of small business executives cited economic uncertainty as the greatest obstacle to hiring more employees.

From a business owner's perspective, I can understand why they are reluctant; if they do not know how much they will have to pay in taxes or to comply with additional regulations a year from now or how much health care costs will be for any new employee, why would they hire a new employee now or invest in their business? Any successful business owner will tell us they have to take risks to get ahead, but they will also tell us they have to balance those risks against their expected costs or they will run their business into the ground.

One chief executive put it this way:

What are the rules of the game going to be in the long term? What our retailers would like to have is consistency and predict-

ability. We can handle decisions we don't agree with, but that's easier than not knowing what the decision is going to be.

Another executive of a small business put it very plainly:

Among the other presidents and CEOs I interact with, the only consensus of opinion is none of us has any idea where things are going. In my observation, the uncertainty we are experiencing is caused almost entirely out of Washington and other governments around the world.

The reality is the private sector has been the engine of job creation in our country throughout history. So we should do everything we can to encourage business to create jobs. In fact, small businesses represent 99.7 percent of all employer firms and employ half of all private sector employees, according to the Small Business Administration. In the last two decades, they have generated 65 percent of the new jobs created in our country.

One of the greatest opportunities we have to improve someone's life is to create an environment where jobs can be created, so employers can feel confident about investing in their companies, and they can put people to work.

Today, I wish to outline a new approach, one that is based on a proven track record of success—the success of the American entrepreneur. Soon I will be introducing legislation called the Startup Act to help jump-start our economy through the creation and growth of new businesses.

The American dream is based on the principle that anyone can achieve success, given the freedom and opportunity to make a better life for themselves and their families. America has long been known as the land of opportunity, where individuals risk all they have to live out their dreams. Many Fortune 500 companies, such as Ford, Apple, and General Electric, got their start with a handful of folks, an individual, a great idea, and a lot of hard work. Many of our businesses started in garages across our country. So we should continue to encourage this spirit of entrepreneurship in our Nation.

In Kansas City, there is a foundation dedicated to the promotion of entrepreneurship called the Kauffman Foundation. Their research shows that between 1980 and 2005, companies less than 5 years old accounted for nearly all the new job growth in the United States. In fact, new firms create about 3 million jobs each year. For 45 years, the Kauffman Foundation has worked to strengthen opportunities for entrepreneurs in this country, so when a person comes up with a good idea, they can pursue it and turn it into reality.

Many of their good ideas are reflected in the legislation I will soon be introducing and are based upon Kauffman's extensive research and analysis.

The foundation of the Startup Act is based on five progrowth principles: removing barriers to growth, attracting business investment, bringing more research from the laboratory to the mar-

ketplace, attracting and retaining entrepreneurial talent, and encouraging progrowth State and local policies.

First, the Startup Act will remove barriers to growth by streamlining Federal regulations. Rather than hiring new employees, businesses are spending money on complying with unreasonable regulations, sometimes regulations not based upon sound science. New businesses face an especially heavy burden in complying with the multitude of local, State, and Federal rules governing their business.

According to the SBA, firms with fewer than 20 employees spend 36 percent more per employee than larger firms to comply with Federal regulations. Very small firms spend 4½ times as much per employee to comply with environmental regulations and 3 times more per employee on tax compliance than the largest corporations.

When I met with those business leaders in Kansas City recently, one of them told me he was required to replace all the light bulbs in his factory because of an EPA regulation. But his factory has skylights and was already well lit. He did not need new lighting, but the government told him he did, and this unnecessary regulation cost him tens of thousands of dollars. This is just one example of how cumbersome and how costly regulations have become. That money could have and should have been, in my view, better spent on helping that business grow.

The Startup Act will overhaul the Federal regulatory process for all regulations that have an impact on the economy of \$100 million or more. By requiring these rules to undergo a cost-benefit analysis every 10 years, the benefit and burden on businesses and consumers will become much more clear. This will ease the burden on businesses so they can focus on growing their business and hiring more workers.

Second, the Startup Act will help companies attract investment so they can get off the ground and grow more quickly. One of the greatest challenges for startups is having access to the necessary capital to grow their business.

Investors' capital gains are currently taxed at 15 percent. Last year, the Small Business Jobs Act passed by Congress temporarily exempted taxes on capital gains from the sale of certain small business stock held for at least 5 years. The Startup Act will make this exemption permanent so investors have an incentive to partner with entrepreneurs and help provide financial stability for the first few years of that business's beginning.

Third, the Startup Act will make it easier to take research from the laboratory and apply it in the marketplace. Some of our brightest and most creative individuals study at American universities. Each day, faculty members and graduate students make new discoveries and develop new ideas. The possibilities of research are endless. In